

April 20 2007

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANADENA TIPPETS
CLERK OF DISTRICT COURT

2007 APR 17 A 11:46

FILED

DEPUTY

PRO6-0120

1 Sarah Ranzau
2 12900 Penn Ave. S., #360
3 Burnsville, MN 55337
4 (952) 486-8379

5 Petitioner, Pro Se

6
7 **MONTANA TWELFTH JUDICIAL DISTRICT COURT, HILL COUNTY**

8 In Re The Parenting of:

9 Mason A. Ranzau, a minor child.

10 Sarah J. Ranzau,

11 Petitioner,

12 vs.

13 Roy J. Mayer,

14 Respondent.

) **Case No.: DR-03-157**

) **AFFIDAVIT OF PETITIONER SARAH J.**

) **RANZAU IN SUPPORT OF DEMAND**

) **FOR RECUSAL AND/OR**

) **DISQUALIFICATION OF**

) **JUDGE DAVID G. RICE**

15
16 County of Dakota

17 ss.

18 State of Minnesota

19 I, Sarah J. Ranzau, do swear that the following is a true and correct statement of facts to
20 known to me.

21 Judge David G. Rice should be disqualified from proceeding any further in these causes
22 for the following facts that show personal bias or prejudice against me and further show that
23 Judicial misconduct by Judge David Rice has occurred and is ongoing. I make this request fully
24 in compliance with 3-1-805, M.C.A. It is more than 30 days prior to any hearing or trial.
25 Further, I submit that I am appearing pro se, representing myself in the civil matter and therefore
26 certify that this affidavit has been made in good faith. My attorney of record could not be
27 reached for assistance with the criminal matter as his request to withdraw is pending before this
28

1 Court and therefore assert these truths independent of counsel's assistance and certify that this
2 affidavit has been made in good faith for the criminal proceeding.:

- 3 1. I demand that the Honorable Judge David G. Rice immediately recuse himself fully from
4 this civil action and accordingly from the related criminal action that is pending before
5 this Court and this request is to include any and all future matters. I demand that Judge
6 Rice take no other actions in the pending cases beyond restoration of my parental
7 custodial rights.
- 8 2. I ask that since proper notice and opportunity has been given to the Honorable Judge
9 David G. Rice to recuse himself, and the laws have been followed accordingly by this
10 Petitioner/Defendant, that a full trial to disqualify Judge David G. Rice on this civil
11 matter and the related criminal matter and all future matters be ordered to occur by a jury
12 of my peers before an uninterested Montana District Court Judge. This request, as
13 required by law, 3-1-805, M.C.A., shall be properly referred to the Montana Supreme
14 Court for appointment of a District Court Judge to hear the matter in the event that an
15 immediate voluntary recusal is not properly and immediately executed by the Honorable
16 Judge David G. Rice.
- 17 3. I further demand that before executing full recusal, this Court execute complete
18 restoration of Petitioner's parental time and full custodial rights as it should be and was
19 just before it was unlawfully revoked by this Court.
- 20 4. This Court is personally biased and/or prejudiced against Petitioner/Defendant in these
21 actions. For this Court to act any further on these cases would be acting without
22 jurisdiction under the laws of the State of Montana and the laws of the United States of
23 America. I further submit that additionally this Court has recently acted without lawful
24 subject matter jurisdiction in the civil matter as is required by the Uniform Child Custody
25 Jurisdiction and Enforcement Act which was adopted by the State of Montana and govern
26 any child custody modification. I further submit that this Court lacks jurisdiction due to
27 inconvenient forum.

- 1 5. This Court has repeatedly expressed opinions both verbally and in writing and taken
2 actions that are partial against Petitioner in this civil matter and Defendant in the related
3 pending criminal case that are in favor of Respondent/Father in the civil case as follows
4 and are supported by the records of this case.
- 5 6. Petitioner was verbally reprimanded by this Court when it stated in open Court in front of
6 many people that Petitioner was already in trouble for having violated his order and she
7 had better not even think of doing it again. This degradation and threat was an act of
8 intimidation on this Court's part attempting to allege violations of an Interim Court
9 Order, in direct violation of Petitioner's rights to due process of the law. The matter had
10 not been before this Court for hearing or trial for Contempt of Court, and never has been
11 since then. There was never any finding of Contempt of Court related to this allegation
12 or the criminal charges of Custodial Interference that would allow this type of statement
13 to be supported by the law or a finding of facts; there was no custody decree at that time.
14 Petitioner had sole legal and physical custody of the minor child and with that authority
15 sole decision making authority. The statement of Judge Rice was a declaration of
16 profound personal bias against me, the Petitioner and Defendant, on the part of Judge
17 Rice. It further clarifies that this Court supports the actions of the corrupted Hill County
18 Attorney's Office for having illegally charged me, the legally sole custodial parent, with
19 Custodial Interference in a desperate attempt to create an undue advantage for a
20 chemically dependent batterer father in a custody battle. This action was forbidden by
21 law as the only law for them to have complied with was the law that I had sole custody.
22 This was in violation of so many laws of the State of Montana and the Constitution of the
23 United States of America and the Constitution of the State of Montana. The Hill County
24 Attorney's Office had no legal authority to act when they exceeded the scope of their
25 duties absent a finding of Contempt of Court in addition to having sole custody of the
26 minor child. This unlawful act further placed an innocent child in harms way by allowing
27 the Respondent father unlawful custody of his child after crossing state lines to abduct
28 him from his only lawful custodian, his mother, Petitioner in this action, in violation of

1 all State and Federal laws related to Parental Kidnapping and Custodial Interference
2 which was assisted and perpetrated by the Hill County Attorney's Office, The Hill
3 County Sheriff's Office for requesting his abduction by the Apple Valley Minnesota
4 Police Department and later obstructing the return of the minor child to his lawful
5 custodian, me, the Petitioner/Defendant, the paternal grandmother, Darlene Mayer for
6 directly assisting in his abduction from Minnesota, Respondent's attorneys Carl White
7 and Roxanne Rogers for covering up the kidnapping, the Havre Police Department for
8 their refusal to cooperate in his retrieval, Apple Valley Minnesota Police Department for
9 abducting him absent a pick up order, Dakota County Child Protective Services for
10 releasing him absent a valid Court Order specifically directing them to do so, Hill County
11 Child Protection for refusal to cooperate in ensuring the child's safe removal from the
12 perpetrator, Roy J. Mayer, Judge Buyske of Toole County for signing a warrant
13 unsupported by law or evidence, and possibly Emily Mayer-Lossing for conspiring to
14 kidnap a child. This father was at that time, restricted to very limited supervised contact
15 by this Court in its Interim Order because of his chemical dependency status and repeated
16 convictions of domestic violence, criminal trespass, and DUI's. The father's conduct,
17 and everyone else's conduct, was not recognized by this Court for the illegal act that it
18 was and instead rewarded the felonious actions with more parenting time and a new
19 award of parental authority for the very first time in the minor child's life. The conduct
20 of Judge Rice constitutes additional acts and declarations of personal bias against
21 Petitioner/Defendant and in favor of Respondent father and constitutes misconduct, and
22 possible conspiracy to cover up a crime. This father is the brother of Mrs. Emily Mayer-
23 Lossing, close personal friend, past co-worker, and continued subordinate of the Hill
24 County Attorney's Office, and close personal friend and co-worker of the Honorable
25 Judge David G. Rice. Mrs. Emily Mayer-Lossing then served on the Historical Society's
26 Preservation Board as well as the Havre City Council responsible for a number of
27 authoritative acts including but not limited to approval of pay raises and promotions for
28 City of Havre employees, to include the Havre Police Department. Mrs. Emily Mayerr-

1 Lossing has repeatedly abused her position of influence in the City of Havre, and Hill
2 County Montana for hers and her husband's personal crusades against Mayor Bob Rice
3 and others. The County Attorney Office's unlawful acts should have been reduced,
4 disciplined, and dismissed by this Court since the criminal complaint was void on its face
5 lacking any support by state laws or evidence. The unlawful acts of the County
6 Attorney's Office should not have been supported and furthered by attempting to threaten
7 and intimidate the Petitioner/Defendant and further allowing the charges to continue
8 when Judge Rice knew them to be false. This is especially true because the charges
9 completely lack any factual basis or support by the law as any average person could have
10 and has easily concluded. The fact that the County Attorney's Office waited until the
11 very hour of Judge Rice's temporary absence from the bench for a personal vacation in
12 order to obtain an alternate Judicial signature from Judge Buyske for their arrest warrant,
13 which was not supported by evidence, only a fraudulent affidavit, does not negate or
14 nullify Judge Rice's obligations to the Petitioner/Defendant to dismiss the fraudulent
15 criminal charges and discourage and punish the actions of the County Attorney's Office,
16 Respondent/Father, paternal grandmother, Darlene Mayer, and all other parties under his
17 jurisdiction and make a referral for investigation for others not under his jurisdiction.
18 This may further be an act of conspiracy to commit a crime. There is further evidence of
19 this crime committed against me and their knowledge that their acts were criminal, not
20 only because of their formal training, but because the Hill County Attorney's Office and
21 Judge David Rice were so compliant with quashing the arrest warrant immediately upon
22 motion and further granted a Deferred Prosecution agreement. If their convictions about
23 their case were strong to lead to conviction, they would have pursued this matter much
24 more aggressively. I was effectively denied life, liberty, and the pursuit of happiness as
25 well as due process of the law.

- 26 7. This Court made a statement in a recent order that the only reason an Order for Protection
27 was granted by the Minnesota Court on behalf of Petitioner and her children was because
28 Respondent did not object to it. There is no finding in the records from a hearing or trial

1 to support this very biased statement. To the contrary, the record and the evidence on
2 record show that Respondent was in fact convicted of harassing Petitioner, Sarah Ranzau,
3 which is another of numerous convictions for crimes of domestic violence committed by
4 the Respondent. This conviction took place just a few months prior in March 2006. The
5 Order for Protection further shows that Respondent acknowledges that consenting to the
6 Order is an admission that he has committed further acts of domestic violence. The
7 Order for Protection was personally served upon the Respondent by the Clerk of Court in
8 Minnesota and initialed by Respondent acknowledging service on the final page
9 immediately following the hearing. This statement by Judge Rice completely undermines
10 the authority of the Minnesota Court and places a convicted batterer up on a pedestal in
11 an apparent effort to reward his continued and repeated acts of domestic violence against
12 women, this Petitioner/Defendant and her family most recently.

- 13 8. This Court has repeatedly reduced, removed and without any authority, revoked this
14 Petitioner/Defendant's constitutional rights and the right to parent her child without any
15 laws in support of those actions. Most recently all parenting time for this
16 Petitioner/Defendant was revoked by this Court without following any of the laws that
17 govern this type of action. Just prior to the revocation, this Petitioner/Defendant's
18 parenting time was reduced by this Court in violation of the laws that govern this type of
19 action. There was no hearing, no new trial for a modification; neither was even ordered
20 by this Court as is required by law. This was all done in complete absence of the
21 evidence that is required by law. The law is very clear that a hearing is required within
22 twenty days of issuance of even a temporary parenting plan. This was not a temporary
23 parenting plan; it was a complete and malicious revocation of parental time in obstruction
24 of justice. A hearing was not ordered and the law does not provide for revocation of
25 parental rights without a hearing within twenty days even if there had been a substantial
26 finding of the threat of physical and/or emotional harm to the child, which was not the
27 case here as there was no evidence of this type of a claim. To the contrary, the child has
28 repeatedly declared to his medical providers in Minnesota and their statements of these

1 declarations have been submitted to Judge Rice, that the Respondent has abused him and
2 he continues to further place the child at risk of further harm by taking him off of all
3 prescribed medication without any authorization to do so. Petitioner/Defendant was not
4 allowed the time prescribed by the law to respond to motions submitted, it was ruled
5 upon prematurely with no due consideration given, in violation of due process of the law.
6 These are further declarations of bias against Petitioner/Defendant and in favor of
7 Respondent. The opposing Counsel's motions should not have been ruled upon because
8 they were not in proper compliance with the Uniform District Court Rules governing ex
9 parte motions, lacked any substantive nature or evidence, were frivolous and an abuse of
10 process, and one of the motions was not even made ex parte by opposing counsel.

11 9. This Court most recently held a hearing in the absence of Petitioner fully knowing based
12 upon evidence that was submitted by Petitioner to this Court that she was in the hospital
13 with one of her other children due to his emergency medical needs. This is yet another
14 display of bias against Petitioner/Defendant and in favor of Respondent. There was
15 absolutely no consideration given to the Petitioner and her family's needs in this
16 situation. Judge Rice further manipulated Petitioner's situation to hold this hearing for
17 contempt and issue a finding of contempt for actions that she could not have been guilty
18 of committing. This violated my rights to due process of the law. This was also decided
19 by this Court in violation of the Full Faith and Credit laws of the United States of
20 America requiring courts to give full consideration to orders issued from other states that
21 affect the action before this Court. This applies to the Order for Protection that was
22 issued by the Minnesota First Judicial District Court, the Honorable Judge Micheal Sovis
23 presiding. This Court alleges that Respondent's failure to pick up our child in Minnesota
24 somehow constituted contempt on Petitioner's part. This finding was made based strictly
25 on hearsay, which is not allowable evidence. Respondent was required by the Custody
26 Decree to come to Minnesota to pick him up. Respondent never did this. Judge Rice
27 never bothered to properly acknowledge that Respondent is legally barred from any and
28 all contact with Petitioner and that it is his actions solely that frustrated the situation for

1 him due to his inability to make proper arrangements because of the Order for Protection.
2 Arrangements for custody that never should have been allowed for the Respondent father
3 if this Court had properly amended the parenting plan as is required by law in
4 consideration of the ongoing domestic violence, and was also requested by
5 Petitioner/Defendant.

6 10. This Court has repeatedly engaged in conduct by making statements that were degrading,
7 punitive, disrespectful and intimidating to Petitioner/Defendant's Counsel and witnesses.
8 This Court has made statements to Petitioner's Counsel at hearings in an attempt to
9 undermine and interfere with Petitioner's lawful rights that were not warranted by the
10 situation at hand and should have been handled much more professionally if there had
11 actually been any legitimate basis for the statements made. This Court has further
12 interrupted Petitioner's witnesses in their testimony stating that Judge Rice already knew
13 all of that and aggressively inquiring if they had any worthwhile contribution to make to
14 the case. Then further insinuating that my witness was a liar because testimony that he
15 was giving could not have been true and he must be mistaken because it was adverse to
16 Respondent and was made in support of unlawful acts of the Respondent. These were
17 additional declarations made by Judge Rice based on its conduct in favor of Respondent
18 and clearly biased against Petitioner/Defendant. There was no evidence to support
19 conclusions drawn by Judge Rice about this witness's testimony and Respondent should
20 have been criminally charged and held in contempt of Court for his felonious conduct of
21 witness tampering and assault once again. This unbiased expert witness has since
22 submitted affidavits detailing this violent encounter and stating that he fears for his safety
23 if he is ever required to testify against Respondent again. This was completely ignored
24 by Judge Rice, another biased action and further misconduct.

25 11. Judge Rice has further shown his bias when he refused to grant my request for
26 substitution of Judge and cited laws completely unrelated to his refusal to grant my
27 motion, making it clear that he is too personally involved in this case to let it go, and
28 quite probably concerned that his misconduct and potentially criminal acts may be

1 discovered, scrutinized, and punished. This Petitioner requested reconsideration as her
2 motion was made timely and not denied in relation to the appropriate statutory laws
3 governing substitutions further clarifying that he did not support his denial with a lawful
4 response. This was ignored by Judge Rice and has surpassed the timeline for reply.

5 12. Petitioner has repeatedly requested child support modification only to be obstructed by
6 Judge Rice even when he lacked jurisdiction to rule on the matter as he was not presiding
7 over the CSED's administrative hearing that was to take place earlier this year. Initially
8 this request was made on February 5, 2004 during a hearing before Judge Rice. This
9 request delayed repeatedly and then dismissed much later in its Final Parenting Plan,
10 Findings of Fact and Conclusions of Law dated December 2, 2005, all the while creating
11 a financial advantage for Respondent father, Roy J. Mayer, and a tremendous
12 disadvantage for Petitioner/Defendant Sarah J. Ranzau. A further act obstructing
13 Petitioner's right to due process and declaring personal bias against Petitioner. This was
14 obstructed again the first part of this year when Respondent's Counsel sought a stay of
15 administrative hearing from Judge Rice, who was not even presiding over the matter, and
16 was granted by him ex parte, all because there was going to be a request for Child
17 Custody Modification possibly filed at a later date and Respondent's Counsel was not
18 prepared to go forward with the administrative hearing, not a lawful purpose of an ex
19 parte order and further proof of personal bias.

20 13. Judge Rice allowed Respondent's side to conduct four hours of testimony during a May
21 2005 hearing and allowed Plaintiff's side less than 45 minutes for testimony and refused
22 to hold the matter over for the following day. Another declaration and act of personal
23 bias.

24 14. In December, 2004, Petitioner sought an Order for Protection from Judge Rice because
25 Respondent continued to be physically abusive toward Petitioner and would stalk, harass
26 and break into her home, with absolutely no assistance from Havre City Police other than
27 to warn him not to continue with his actions. This was ignored by Judge Rice and he
28 later stated in his December 2005, 1 year later, Findings of Facts and Conclusions of

1 Law, that it was not sworn to so he could not act on it. This does not explain the lack of
2 action in setting the matter for a hearing, as required by law. This was another act of bias
3 on Judge Rice's part.

4 15. Judge Rice has repeatedly ruled on motions from Respondent that were not sworn to or in
5 proper form, and has consistently ruled within a very brief period of time, frequently in
6 violation of the law. Judge Rice has repeatedly failed to rule on Petitioner's motions in a
7 timely manner and has frequently failed to respond at all, like when her request for an
8 Order for Protection was not sworn to. Further acts of bias and misconduct on Judge
9 Rice's part.

10 16. Roy J. Mayer was initially ordered by Judge Rice to obtain a chemical dependency
11 evaluation and treatment, attend anger management classes, and attend parenting classes.
12 When he continuously failed to comply, Judge Rice decided to award his contemptuous
13 behavior with more parenting time and more parental rights. This is further evidence of
14 personal bias and prejudice.

15 17. Judge Rice recently ruled within four days of a filing on a motion from opposing counsel
16 in the civil matter for an updated report of the Guardian Ad Litem. The motion was not
17 made ex parte. Judge Rice had previously dismissed this Guardian Ad Litem's services
18 in his Findings of Facts, Conclusions of Law, and Decree dated December 2, 2005. This
19 is an unlawful act and is further evidence of his personal bias.

20 18. All of the facts stated herein are supported by the records of this case and it shall be
21 followed by my brief and supporting documents, though not required by law.

22 19. I have submitted two original affidavits that are equal in substance for each different
23 cause that Judge Rice is presiding over.

24 20. These affidavits, accompanying certificates of pro se litigant of good faith, and
25 certificates of service by mail have been sent for filing today, April 16, 2007, 32 days
26 before the a matter set for hearing, via Federal Express Priority Overnight, Tracking
27 Number 7902 2645 6132 to the Clerk of District Court, Montana Twelfth Judicial District
28 at 315 Fourth Street, Havre, Montana 59501.

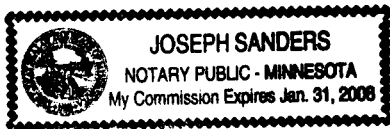
1
2 Dated this 16th day of April, 2007.

3
4 Sarah J. Ranzau
Sarah J. Ranzau

5 County of Dakota

6 State of Minnesota

7
8 SUBSCRIBED AND SWORN TO BEFORE ME this 16 day of April, 2007.



16 (Notary Seal)

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Joseph Sanders

Notary Public for the State of Minnesota

Name: Joseph Sanders

Title or Rank: Notary Public

Residing at: Apple Valley, MN

My Commission expires: Jan 31, 2008

Certification

I, Sarah J. Ranzau, am appearing pro se for this matter and offer my certification of pro se representation in the absence of a certification of counsel as required by 3-1-805, M.C.A. I cannot afford an attorney. I am acting as my own representative in pursuing restoration and preservation of my right to fair and impartial hearings and proceedings on any or all matters, either criminal or civil, which have or may be brought against me in Hill County, Montana. In the absence of legal counsel, I, Sarah J. Ranzau, do swear and certify that the **Motion for Disqualification of Judge**, attached herewith, is made in good purpose and conscious, by me, IN GOOD FAITH.

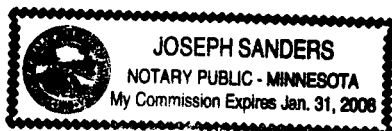
DATED this 16th day of April, 2007.

Sarah J. Ranzau
Sarah J. Ranzau

County of Dakota

STATE OF MINNESOTA

SUBSCRIBED AND SWORN TO BEFORE ME, this 16 day of April, 2007, by Sarah J. Ranzau.



(Notary Seal)

Joseph Sanders
Notary Public for the State of Minnesota
Print Notary Name: Joseph Sanders
Residing at: Apple Valley, MN
My Commission expires: Jan 31, 2008

Certificate of Service by Mail

This is to certify that the foregoing was duly served by depositing a true and correct copy of the same into the US mail on this 17th day of April, 2007, upon the Respondent's counsel of record at their addresses of:

Robert M. Peterson, Attorney at Law
Atrium Mall, Suite 405
P.O. Box 670
Havre, MT 59501
Attorney for Respondent, Roy J. Mayer

By


Sarah J. Ranzau